IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 4493 of 2006
Date of Decision: 28.8.2006

Harvinder Singh ...Petitioner

Versus

Smt. Jaswinder Kaur and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri R.K. Trikha, Advocate, for the petitioner.

JUDGMENT

The challenge in the present revision petition is to the order passed by the learned Motor Accidents Claim Tribunal (for short `the Tribunal') on 3.6.2006, whereby an application for setting aside of exparte award passed by the Tribunal on 1.3.2005, was dismissed.

The petitioner was impleaded as the driver of the offending vehicle and as resident of village Kotli Thabla, Tehsil Batala, District Gurdaspur. It is the case of the petitioner that accident had occurred in 1999, but he shifted to Suthra Shahi Srinagar (J&K) and, therefore, the service upon the present petitioner is not proper and that there exists sufficient cause for setting aside of the exparte award.

It may be noticed that the owner as well as the present petitioner were ordered to be served through substituted service by way of publication in the newspaper after it was found that the petitioner is evading the service. It has been found by the learned Tribunal that the petitioner has not produced any document such as electricity consumption bills, water supply and sewerage connection bill, ration card, voters list or any other

document to show that he had ever shifted at Suthra Shahi Srinagar (J&K). It may further be noticed that the address mentioned in the present petition and in the accompanying affidavit is of the same village as mentioned by the claimant in the claim application.

In the absence of any proof of the petitioner having shifted to Suthra Shahi Srinagar (J&K), I do not find that there is any patent illegality or irregularity in the findings recorded by the learned Tribunal, while declining the application for setting aside the exparte award.

Hence, the present petition is dismissed.

28.8.2006 (HEMANT GUPTA)
ds JUDGE